



BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

REC'D TN  
REGULATORY AUTH.

Guy M. Hicks  
General Counsel

'01 MAY 21 PM 2 08

May 21, 2001

OFFICE OF THE  
EXECUTIVE SECRETARY  
615 214 6301  
Fax 615 214 7406

VIA HAND DELIVERY

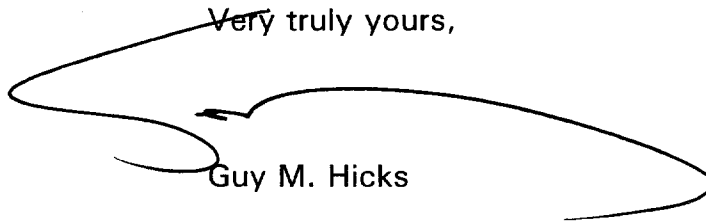
David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition for Arbitration of the Interconnection Agreement Between  
BellSouth Telecommunications, Inc. and Intermedia Communications  
Inc. Pursuant to Section 252(b) of the Telecommunications Act of  
1996*  
Docket No. 99-00948

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Response to Intermedia's Filing Regarding Supplemental Authority. Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH:ch  
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re:        *Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Intermedia Communications Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996*

Docket No. 99-00948

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE TO**  
**INTERMEDIA FILING REGARDING**  
**SUPPLEMENTAL AUTHORITY**

BellSouth acknowledges that the Federal Communications Commission ("FCC"), in its recent Notice of Proposed Rule Making, *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92 (rel. April 27, 2001) ("NPRM"), addressed, in language that appears to support Intermedia's position, the issue of whether a CLEC must show that its switch performs the tandem function in order to qualify for the tandem interconnection rate. In paragraph 105 of the NPRM, the FCC stated:

In addition, section 51.711(a)(3) of the Commission's rules requires only that the comparable geographic area test be met before carriers are entitled to the tandem interconnection rate for local call termination. Although there has been some confusion stemming from additional language in the text of the Local Competition Order regarding functional equivalency, section 51.711(a)(3) is clear in requiring only a geographic area test. Therefore, we confirm that a carrier demonstrating that its switch serves "a geographic area comparable to that served by the incumbent LEC's tandem switch" is entitled to the tandem interconnection rate to terminate local telecommunications traffic on its network.

More recently, the FCC responded to an inquiry from Sprint PCS in which it reiterated its view expressed in the NPRM that a CLEC may receive the tandem

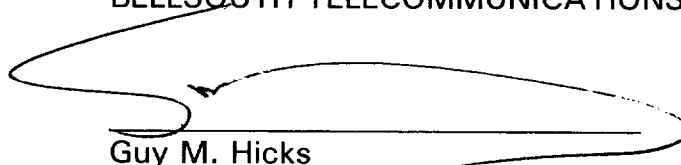
interconnection rate by meeting the geographic comparability test. See Letter to Sprint PCS from Thomas J. Sugrue Chief, Wireless Telecommunications Bureau and Dorothy T. Attwood Chief, Common Carrier Bureau (May 9, 2001).

The recent statements by the FCC appear to undercut BellSouth's interpretation of Section 51.711(a)(3). It is worth noting, however, that the FCC's recent interpretation of that rule is inconsistent with the FCC's earlier statements regarding this issue and inconsistent with the court and other state commission decisions cited by BellSouth in its post-hearing brief. The FCC did not expressly invalidate any prior state commission ruling on this issue.

While it appears that the FCC does not now require a tandem functionality test to be met, a CLEC still must meet the geographic comparability test, which Intermedia did not meet in this case, as discussed at length in BellSouth's post-hearing brief (see pages 9-16).

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Guy M. Hicks", is written over a horizontal line. The signature is stylized with a large, sweeping loop that extends to the left and then curves back to the right, ending under the line.

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

R. Douglas Lackey  
Michael Twomey  
675 W. Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand  
☒ Mail  
☐ Facsimile  
☐ Overnight

Carl Jackson, Senior Director  
Intermedia Communications, Inc.  
360 Interstate North Parkway, # 500  
Atlanta, GA 30339

☐ Hand  
☒ Mail  
☐ Facsimile  
☐ Overnight

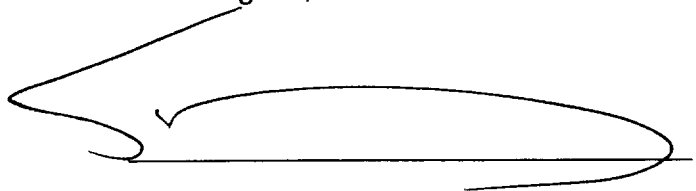
Scott Saperstein  
Senior Policy Counsel  
Intermedia Communications, Inc.  
MC FLT-HQ3  
One Intermedia Way  
Tampa, FL 33647-1752

☐ Hand  
☒ Mail  
☐ Facsimile  
☐ Overnight

H. LaDon Baltimore, Esquire  
Farrar & Bates  
211 Seventh Ave. N, # 320  
Nashville, TN 37219-1823

☐ Hand  
☒ Mail  
☐ Facsimile  
☐ Overnight

Enrico C. Soriano, Esquire  
Kelley, Drye & Warren  
1200 19th St., NW, #500  
Washington, DC 20036

A large, stylized handwritten signature in black ink, appearing to be a cursive representation of a name, possibly "Enrico C. Soriano".